

## **REMARKS**

Claims 1-17 are currently pending in this application, as amended. By the present amendment, claim 1 has been amended. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 1, 3, 8, 10 - 14 and 17 were rejected under 35 U.S.C. §102 as anticipated by JP 62-035154 to Kadota et al. Applicant respectfully traverses this rejection.

Claim 1 is directed to a power transmission drive including a synchronous drive for an internal combustion engine with which a rotating angle between a driven member and a drive member can be detected. A member of the power transmission drive includes an electronic controller which interacts with a control system of the internal combustion engine. A sensor, comprising a transducer, detects an oscillating angle deviation, a rotating angle deviation, an irregularity in RPM, or a correcting movement between the driven member and the drive member and sends a signal to the controller which calculates a control parameter. Upon detection of a defined limit value being exceeded, the controller initiates an emergency program that changes an operating power level of the internal combustion engine from an existing power level to a lower power level that is lower than the existing power level.

Kadota et al. specifically teaches that, upon receiving the high level signal S "the engine output limiting portion 51b limits an increase in output of an engine to prevent the occurrence of the gear skip in the timing belt 41." Limiting of the increase in output of an engine based on the high level signal being exceeded can not meet the present claim requirement that upon detection of a defined limit value being exceeded for a control parameter that an emergency program changes an

operating power level of the internal combustion engine from an existing power level to a lower power level that is lower than the existing power level. Kadota et al. teach that the output of the engine is maintained at its same level. This is not a lower level. There is no suggestion or disclosure to decrease the power level to a lower power level in order to extend the operating time of the internal combustion engine at that lower level so that the operator can reach a service station or otherwise continue operating the vehicle in order to come to a safe area for pulling over or for service, if possible. Accordingly, withdrawal of the Section 102 rejection of claim 1 is respectfully requested.

Claims 3, 8, 10-14 and 17 depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

#### CLAIM REJECTIONS – 35 U.S.C. §103

Claims 2 and 7 were rejected under 37 U.S.C. §103 as unpatentable over the combination of Kodota et al. and JP 2003/184682 to Inada. Applicant respectfully traverses this rejection.

Claim 2 depends from claim 1 and further recites that the free engine clutch is allocated to the driven member or the drive member to prevent an accelerated angular velocity of the power transmission drive.

Inada is cited as teaching a fuel injection pump with a free engine clutch to prevent reverse rotation. However, Inada does not address the deficiencies noted above with respect to Kadota et al. with respect to claim 1. Accordingly, claim 2 should be patentable over this combination.

Claim 7 also depends from claim 1 and would be patentable over this combination for the same reasons as noted above in connection with claim 1.

Claims 4-6 and 15 were also rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and Inada. Claim 4 depends from claim 3 and recites that the power transmission drive includes as a drive member, a fuel pump which is in connection with an associated sensor, the controller and the free engine clutch. The device prevents operation of the internal combustion engine above the lower power level for a disruption in a function of the fuel pump.

As noted above, Kadota et al. fail to teach a controller that initiates an emergency program of the internal combustion engine to operate the internal combustion engine at a lower power level than the existing power level at the time that limit value is exceeded. To the extent that Inada is cited as teaching a free engine clutch (50) used in connection with a fuel pump (40), the claim limitations are still not met by the combination. In addition to the deficiency of Kadota et al., Inada merely provides a one-way clutch to prevent a reverse rotation of a fuel pump. In contrast, according to the present invention, rather than preventing a reverse rotation as provided by Inada or preventing an increase in the output of the engine as taught by Kadota et al., the power level is changed to a lower power level for a continuing function of the internal combustion engine as the fuel pump is failing so that a service station can be reached. In view of these differences, claim 4 should be patentable over this combination.

With respect to claims 5, 6 and 15, these claims depend directly or indirectly from claim 1 and should be patentable for the reasons noted above in connection with claim 1 regarding the deficiencies of Kadota et al. as they are not addressed by Inada. Accordingly, withdrawal of the Section 103 rejection of claims 5, 6 and 15 is also requested.

Claim 9 was rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and JP 62-180157 to Inagaki et al. Applicant respectfully traverses this rejection.

Claim 9 depends from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1. While Inagaki et al. is cited as teaching a controller that sends an optical signal if an optical angle deviation or rotation angle deviation exceeds a limit value, it does not address the deficiencies noted above with respect to Kadota et al. Accordingly, withdrawal of the Section 103 rejection of claim 9 is respectfully requested.

Claim 16 was rejected under 35 U.S.C. §103 as unpatentable over the combination of Kadota et al. and U.S. 2004/0251758 to Wilmore. Applicant respectfully traverses this rejection.

Claim 16 depends from claim 1 and should be patentable for the reasons noted above in connection with claim 1. Wilmore is cited as teaching a starter generator which can be run in both the starting mode and the generator mode. However, this reference is silent with respect to the deficiencies of Kadota et al. Accordingly, withdrawal of the Section 103 rejection of claim 16 is respectfully requested.

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**Application No.:** 10/565,088

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience in order to address any such matters.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-17, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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